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Vermont Department of Education Protection of Confidential Information Policies  
Approved by the State Board of Education September, 19, 2008

**Policy Title**

Data Suppression Policy for Student Information

**Purpose**

The purpose of this policy is to ensure the protection of confidential student information when disseminating information about our schools and students.

**Scope**

This policy applies to all reports which are generated by the Vermont Department of Education (hereinafter referred to as VT DOE) and/or by VT DOE's contractors and/or by third parties working on VT DOE's behalf.

**Policy**

VT DOE will suppress aggregate student counts of less than 11 under the following circumstances:

- counts which include sensitive information which is coupled with personally identifiable information;
- when the report will be released to an audience which includes recipients other than data owners, staff, or others who have a legal right to access data.
- Note: The disclosure of any confidential information to individuals who need that information, and who are entitled by law to receive that information, shall only be disclosed with the clear direction that its re-disclosure to anyone who is not entitled to receive that information under state and/or federal law, is prohibited.

VT DOE will also suppress aggregate student counts of confidential information when the number of students in a grouping is 100% of all students, or the number of students in a suppressed cell can be derived from existing information.

**Definitions**

**"Personally identifiable information"** is information which alone, or in combination with other information, is linked, or is linkable, to a specific student, and which would thereby allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

**"Sensitive information"** is any information which is protected under federal and/or state statute.

**"Confidential information"** is any information which is both "sensitive information" and "personally identifiable information."

**Classification of Information**

The VT DOE's Information Technology Team will be responsible for classifying data as "personally identifiable information" and/or "sensitive information" and/or "confidential information."

## **Policy Title**

Conditions and Approval Process for Third Party Research on Behalf of VT DOE

## **Purpose**

The purpose of this policy is to establish a standard process for third party researchers to access data for educational research on behalf of VT DOE.

## **Scope**

This policy applies to all educational research studies which are conducted on behalf of VT DOE. However, this policy, standing alone, is *not* sufficient in the case of work which is conducted with VT DOE data, when the VT DOE data is released to individuals and/or entities other than VT DOE, for use off-site, as under such circumstances, significant additional protections, which must be included in the involved contract, are necessary.

## **Policy**

The VT DOE may allow third party researchers to conduct educational research on behalf of VT DOE. Such research may be authorized by the Commissioner, or by the Commissioner's designee. As a condition of the granting of that authorization, a written contract must be executed between the VT DOE and the party responsible for the research.

Research which includes the analysis of personally identifiable student-level information which is also classified as sensitive must first be de-identified by VT DOE staff. All analysis of student-level data must take place on a VT DOE network. Personally identifiable student information may not be removed from the VT DOE network.

Other conditions which may be reasonably necessary to protect confidential information may be required by the Commissioner, or by the Commissioner's designee.

## **Definitions**

**"De-identified information"** is data which has had student names removed, has had the statewide unique identifier scrambled, and has been further redacted as necessary so that it is no longer "personally identifiable information."

**"Personally identifiable information"** is information which alone, or in combination with other information, is linked, or is linkable, to a specific student, and which would thereby allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

**"Sensitive information"** is any information which is protected under federal and/or state statute.

**"Confidential information"** is any information which is both "sensitive information" and "personally identifiable information."

## **Classification of Information**

The VT DOE's Information Technology Team will be responsible for classifying data as "personally identifiable information" and/or "sensitive information" and/or "confidential information."

### **Policy Title**

Conditions and Approval Process for Contracts and Grants that Result in Contractor or Grantee Possession of Student Information in Electronic Format

### **Purpose**

The purpose of this policy is to outline the minimum requirements for VT DOE-issued contracts or grants which will result in the Contractor or Grantee obtaining possession of confidential student information in electronic format.

### **Scope**

This policy applies to all contracts and grants issued by VT DOE.

### **Policy**

The VT DOE may enter into contracts or issue grants which result in contractor or grantee possession of confidential student information in electronic format. Authorization of such contracts and grants shall be approved by the Commissioner, or by the Commissioner's designee. Once approved, the contract or grant process must include the following:

- a description of the appropriate and allowable uses of the information;
- the scope of the information which will be permitted to be in the possession of the Contractor or Grantee;
- requirements for signed confidentiality agreements for all individuals having access to the system;
- minimum information technology security requirements as deemed appropriate by the VT DOE's Information Technology Director; and
- a description of the required process for destroying or transferring the information upon the completion of the project.

Other conditions which may be deemed necessary for the protection of the confidential information may be required by the Commissioner, or by the Commissioner's designee.

### **Definitions**

**“De-identified information”** is data which has had student names removed, has had the statewide unique identifier scrambled, and has been further redacted as necessary so that it is no longer “personally identifiable information.”

**“Personally identifiable information”** is information which alone, or in combination with other information, is linked, or is linkable, to a specific student, and which would thereby allow a reasonable person in the school or its community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

**“Sensitive information”** is any information which is protected under federal and/or state statute.

**“Confidential information”** is any information which is both “sensitive information” and “personally identifiable information.”

### **Classification of Information**

The VT DOE's Information Technology Team will be responsible for classifying data as “personally identifiable information” and/or “sensitive information” and/or “confidential information.”